

LAWS FOR WORKMEN.

Recent Provincial Legislation to Secure to
Labor the Reward Which it Earns.

Wages and Homesteads Protected and Life
Insurance Reserved for Families.

Recent legislation in the interest and for the protection of the laboring classes may be profitably reviewed at this moment, and while under this classification there might be included all classes of legislation having for its object the promotion of the social and industrial welfare of perhaps the great majority of the residents of the province, including the agricultural classes, what is here set forth will be restricted to those statutes having for their object, firstly, the defining of the respective rights and liabilities of master and servant; secondly, the securing to mechanics and laborers the price of their labor by means of a right of lien upon the property benefited by such labor; and, thirdly, for the purpose of facilitating the settlement of labor disputes, the maintenance of amicable relations between employers and employees, and the prevention of strikes and troubles.

These statutes, having a direct and powerful influence upon the rights and privileges of a large number of the inhabitants of the province, are certainly of sufficient importance to call for the somewhat extended explanation contained in, and to justify the title which has been given to this article.

MASTER AND SERVANT.

In the session of 1897, for the purpose of enacting in brief yet comprehensive form, the rules of law applying to the relations between master and servant the Honorable the Attorney-General in-

troduced an act intituled "The Master and Servant act, 1897," which was passed by the legislative assembly, received the Royal assent on May 8th, 1897, and is now consolidated as Chapter 131 of the Revised Statutes, 1897.

The act empowers justices of the peace upon complaint of any servant or laborer against his master or employer for non-payment of wages to issue a summons citing the employer or master to appear and answer the complaint, and upon proof of non-payment, to direct the payment of the amount of wages due the complainant, not exceeding the sum of \$50. The justices may award and enforce their judgment by warrant of distress. Justices are also by the act empowered to decide any dispute which arises between a master and servant after the termination of engagement, provided proceedings be taken within one month after the engagement has ceased. With reference to contracts of service it is provided that verbal agreements for service shall not exceed the term of one year; that no contract of service or indentures shall be binding for a longer term than nine years; and that, subject to these limitations, all agreements and contracts, verbal or written, between master and journeyman, skilled laborers, servants or laborers for the performance of any work or service shall, whether the performance has been entered upon or not, be binding upon each party thereto for the due fulfilment thereof.

In concluding the reference to this act it is well that especial attention should be drawn to one of its most important provisions which renders valid agreements between employers and employees by means of which a definite share in the annual or other net profits or proceeds of the trade or business may be allotted and paid to the employees in lieu of or in addition to salary, wages or other remuneration. This provision opens the way for the practical adoption and working in this province of the principle of "profit-sharing" which is believed to be greatly in the interests of both employer and employee, and, by establishing common grounds of interest between these classes in regard to mutual interest, welfare and success, to tend towards an increased industrial and commercial development of the province.

MECHANICS' LIENS.

For the purpose of securing to mechanics, artisans and laborers the payment of the price of their labor by means of a lien upon the property improved by such labor, there was passed at the session of 1891 an act intitled "The Mechanics' Lien act, 1891," which is now consolidated as Chapter 132 of the Revised Statutes, 1897. This act in its operation has been found to afford an efficient safeguard to the laboring classes and has in very many instances been the medium for the recovering of wage claims, its merit, however, being, if anything, more preventive than operative, that is to say, it has more the effect of causing property owners to take effectual steps to procure the payment of all labor employed on their property by contractors and their sub-contractors, than of affording laborers the means of securing payment of arrears of wages by means of actually enforcing the lien.

The right of lien is given for labor only, there being no lien in respect of any other claim against property. Unless the workman has signed an express contract under which he agrees that he will not exercise the right of lien conferred on him by the act, he has in respect of all work done upon construction, erection, improvement or repair of or to any building, erection, wharf, bridge or other work or work in connection with the clearing, excavating, drainage, grading, or irrigating any land a lien or charge for the price of such work upon the property benefited and upon all materials brought upon the property and used for the work or used upon or built into the land and buildings. This lien attaches to the interest in the land vested in the owner at the time the contract is made and to any greater interest

which he may acquire during the progress of the work. The lien is limited in amount to the sum actually owing to the person entitled to the lien and where the moneys are realized upon liens they are distributed in the following manner:

First, to pay the costs of all lien holders in obtaining registering and proving the liens; second, to pay six weeks wages (if due) to all workmen employed by the owner, the contractor and the sub-contractors; third, to the payment of the sub-contractors and persons other than actual workmen employed by the owner and by the contractor, and lastly, the balance (if any) to the contractor.

The right of lien expires in thirty-one days after the completion of the work unless in the meantime the person claiming the lien file in the office of the government agent or of the registrar of titles or of the district registrar of titles an affidavit in the form prescribed by the act, blank forms of which can be procured at these offices. After registration the lien itself will expire unless within thirty days the claimant institutes an action in the County court of the county and files with his original lien a judge's or registrar's certificate of the commencement of his action. The County court is given jurisdiction to deal with all lien claims whatsoever and the procedure to be followed upon the trial of action brought to enforce lien and the mode of realising and disposing of moneys adjudged due thereupon are set forth in the act.

For the purpose of safeguarding the rights of workmen, the act contains two important provisions, one providing that where works of improvement upon any lands or premises are about to be undertaken of an estimated cost exceeding \$500, the contractor shall file in the office of the government agent or in the land registry office a statement setting forth the particulars of the intended work, and the names and addresses of all parties in interest; and the other imposing upon contractors the duty of posting up at the works a copy of the receipted pay roll and of delivering to the owner or his agent the original pay roll receipted in full by the various employees. No payment made by the owner or contractor without delivery of the receipted pay roll has the effect of diminishing the employees' right of lien.

In addition to the foregoing general right of lien the act provides a special right of sale under the ordinary mechanics' lien, whereby every mechanic or other person who has bestowed money or skill and materials upon any chattel so as to increase its value shall while his lien exists have power to sell the chattel after giving two weeks' public notice.

UNDER ASSIGNMENT.

Under the Creditors' Trust Deeds Act the assignee under any assignment for the general benefit of creditors is obliged in priority to all other claims the wages or salary of all persons in the employment of the assignor at the time of the assignment not exceeding three months' wages or salary, the employees being for any excess above such three months, entitled to rank as ordinary general creditors.

COMPENSATION.

By the Employers' Liability Act, 1891, an act passed to secure compensation to workmen for personal injuries caused to workmen by reason of any defect in the condition or arrangement of machines, plants, buildings or premises used in the course of employment, and for injuries arising by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of injury was bound to conform. The compensation is limited either to three years' wages or to a sum not exceeding \$2,000. It is also provided that no agreement entered into by a workman shall be a bar to his recovering under the act unless for the entering into of such agreement there was to the workman some consideration other than that of his being given employment, and in the opinion of the court such consideration was adequate and the agreement was just and reasonable, the burden of proof in respect to these latter requirements resting upon the employer. Notice of injury must be given to the employer within twelve weeks of the accident, and if the action be for personal injury, the action must be commenced within six months. Should the workman be killed, his representatives have 12 months in which to bring action.

EXEMPTIONS.

Goods and chattels to the extent of \$500 are exempt from forced seizure or sale by any process of law; but this exemption does not extend to the protection of the identical goods and chattels in respect of which the debt sued on was contracted, and does not permit a trader to claim as exemption any of the goods and merchandise which form a part of the stock in trade of his business.

By the Homestead act, which purports to be an act to exempt homesteads and other property from forced seizure and sale, provision is made: (a) As regards personal property for the securing to a debtor of an exemption of personal property from all processes of execution amounting in value to \$500, provided that no exemption can be claimed out of a stock in trade in a business. (b) As regards realty for the obtaining of an ex-

emption of real property registered as a homestead under the act, up to a value not to exceed \$2,500. Should such homestead at the time of the issue of execution be of a greater value than \$2,500 the excess over such value is liable to seizure and sale. A special procedure and mode of registration is provided for the registration of real estate as homestead property.

APPRENTICES AND MINORS.

The Apprentices' and Minors' act contains provision for the care of minors by guardians and relatives, and for the care by charitable associations of minors who might otherwise become a charge on the public; defines the powers of guardians and of such charitable associations in regard to the apprenticing of minors; codifies the law respecting the mutual rights of masters and apprentices; and contains procedure for the settlement of disputes, an appeal being given to the County court.

INSURANCE.

By the Families' Insurance act, an act passed for the securing to wives and children the benefits of life insurance provision is made for the insuring of life for the benefit of wife, or of wife and children, or of children only, at the option of the insured, with power to apportion the amount of insurance money on a policy. Insurance may also be effected for the benefit of a future wife or a future wife and children. Where insurance is effected under this act, the insurance moneys are payable to the beneficiaries according to the terms of the policy free from the claims of creditors of the insured; provided, that if the policy was effected and premiums paid with intent to defraud creditors, the creditors are entitled to recover an amount equal to the premium paid, but without interest.

WOODMEN'S WAGES.

For the protection of the rights of workmen engaged in getting out logs and timber a special lien is provided by the Woodman's Lien for Wages act, 1895, consolidated as Chapter 194 of the Revised Statutes, 1897. This act provides that any person performing any labor or service in connection with any logs or timber in the province shall have a lien thereon for the amount due for such labor and such services, which shall be deemed a first lien and charge on the logs and timber and shall have precedence over all other claims except for royalties and boom charges. As in the case of the Mechanics' Lien act, the act contains a complete procedure for the entering and enforcement of the liens arising under its provisions, and for the

realization and distribution of moneys recovered thereon.

LABOR, CONCILIATION AND ARBITRATION.

For the purpose of establishing a tribunal for the settlement of disputes between employers and employees and for the providing of means leading to the cultivation and maintenance of better relations between employers and their employees, and also, for the providing of some efficient method for the prevention of strikes and other labor troubles there was passed as a government measure during the session of 1894 an act intitled The Labor Conciliation and Arbitration act, 1894, consolidated as Chapter 109 of the Revised Statutes, 1897. The act provides in the first place for the appointment of the provincial secretary as commissioner, and for the appointment should occasion render it necessary of a deputy commissioner. The functions of the commissioner and his deputy are to receive and record claims in respect of labor disputes, to convene councils of conciliation and to keep a complete record of proceedings had under

the act. Councils of conciliation consist of four members appointed by the Lieutenant-Governor upon the nomination of the disputants and the procedure to be adopted by and before these councils is set forth in the act. Should the councils of conciliation be unable to effect a settlement of any matter brought before it, they report to that effect to the commissioner, and the matter then goes before a council of arbitration of three members appointed by the Lieutenant-Governor in manner prescribed by the act. This council of arbitration conducts its proceedings as in open court but no party to any dispute before it is allowed to be represented by any counsel, attorney or paid agent. Within seven days after the completion of hearing the council renders its award, which is published in the British Columbia Gazette, and which is so far as the parties concerned have agreed to be bound thereby, may be made a rule of the Supreme court, having thereupon the force of a judgment of the court binding upon and enforceable against all persons affected thereby.